

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
Against:)**

TERRY EDWARD STANGER, M.D.)

Case No. 05-2012-221223

**Physician's and Surgeon's)
Certificate No. A 34136)**

Respondent)

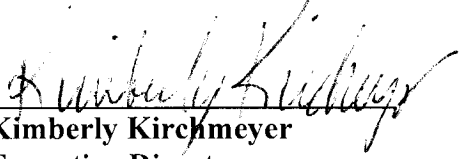
DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 18, 2015.

IT IS SO ORDERED August 11, 2015.

MEDICAL BOARD OF CALIFORNIA

**By: 
Kimberly Kirchmeyer
Executive Director**

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 REBECCA L. SMITH
Deputy Attorney General
4 State Bar No. 179733
California Department of Justice
5 300 South Spring Street, Suite 1702
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7 *Attorneys for Complainant*

8
9 **BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**
10

11 In the Matter of the Accusation Against:

Case No. 05-2012-221223

12 TERRY EDWARD STANGER, M.D.

OAH No. 2015060162

13 P.O. Box 385
14 Agoura Hills, California 91376-0385

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Physician's and Surgeon's Certificate No.
16 A34136,

17 Respondent.
18
19

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
24 of California (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Kamala D. Harris, Attorney General of the State of California, by Rebecca L.
26 Smith, Deputy Attorney General.

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2. Terry Edward Stanger, M.D. (Respondent) is represented in this proceeding by attorney Raymond J. McMahon, Esq., whose address is 100 Spectrum Center Drive, Suite 520, Irvine, California 92618.

3. On or about July 23, 1979, the Medical Board of California issued Physician's and Surgeon's Certificate No. A34136 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Accusation No. 05-2012-221223 and will expire on April 30, 2017, unless renewed.

JURISDICTION

4. Accusation No. 05-2012-221223 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 28, 2015. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 05-2012-221223 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 05-2012-221223. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; the right to petition for reinstatement of certificate or modification of penalty pursuant to section 2307 of the Business and Professions Code; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 05-2012-221223, agrees that cause exists for discipline and hereby surrenders his Physician's
4 and Surgeon's Certificate No. A34136 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
7 process.

8 CONTINGENCY

9 10. Pursuant to section 2224(b) of the Business and Professions Code, this Stipulation for
10 Surrender of License shall be subject to the approval of the Board. Respondent understands and
11 agrees that the Medical Board's staff and counsel for Complainant may communicate directly
12 with the Board regarding this Stipulation without notice to or participation by Respondent. By
13 signing this Stipulation, Respondent understands and agrees that he may not withdraw his
14 agreement or seek to rescind the Stipulation prior to the time the Board considers and acts upon it.
15 In the event that this Stipulation is rejected for any reason by the Board, it will be of no force or
16 effect for either party. The Board will not be disqualified from further action in this matter by
17 virtue of its consideration of this Stipulation.

18 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Surrender of License and Order, including Portable Document Format
20 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

21 12. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or formal proceeding, issue and enter the following Order:

23 ORDER

24 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A34136, issued
25 to Respondent Terry Edward Stanger, M.D., is surrendered and accepted by the Medical Board of
26 California.

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1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a Physician & Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 05-2012-221223 shall be deemed true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceedings seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Raymond J. McMahon, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

July 14, 2015

TERRY EDWARD STANGER, M.D.
Respondent

I have read and fully discussed with Respondent Terry Edward Stanger, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

July 14, 2015

RAYMOND J. MCMAHON, ESQ.
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: July 15, 2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General



REBECCA L. SMITH
Deputy Attorney General
Attorneys for Complainant

LA2015601102

Exhibit A

Accusation No. 05-2012-221223

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Attorney General of California
2 ROBERT MCKIM BELL
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3 REBECCA L. SMITH
Deputy Attorney General
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO APR 12 2015
BY: J. MELCHER ANALYST

7
8 BEFORE THE
MEDICAL BOARD OF CALIFORNIA
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 05-2012-221223

11 TERRY EDWARD STANGER, M.D.

12 P.O. Box 385
13 Agoura Hills, California 91376-0385

ACCUSATION

14 Physician's and Surgeon's Certificate No.
15 A34136.

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Kimberly Kirchmeyer ("Complainant") brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California ("Board").

22 2. On July 23, 1979, the Board issued Physician's and Surgeon's Certificate number
23 A34136 to Terry Edward Stanger, M.D. ("Respondent"). That license was in full force and effect
24 at all times relevant to the charges brought herein and will expire on April 30, 2017, unless
25 renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2227 of the Code states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

"(1) Have his or her license revoked upon order of the board.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

"(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

5. Section 2234 of the Code, states:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

1 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
2 violation of, or conspiring to violate any provision of this chapter.

3 "..."

4 "(e) The commission of any act involving dishonesty or corruption which is substantially
5 related to the qualifications, functions, or duties of a physician and surgeon.

6 "..."

7 6. Section 2236 of the Code states:

8 "(a) The conviction of any offense substantially related to the qualifications, functions, or
9 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
10 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive
11 evidence only of the fact that the conviction occurred.

12 "..."

13 7. Section 2237 of the Code states:

14 "(a) The conviction of a charge of violating any federal statutes or regulations or any
15 statute or regulation of this state, regulating dangerous drugs or controlled substances, constitutes
16 unprofessional conduct. The record of the conviction is conclusive evidence of such
17 unprofessional conduct. A plea or verdict of guilty or a conviction following a plea of nolo
18 contendere is deemed to be a conviction within the meaning of this section.

19 "(b) Discipline may be ordered in accordance with Section 2227 or the Division of
20 Licensing¹ may order the denial of the license when the time for appeal has elapsed, or the
21 judgment of conviction has been affirmed on appeal, or when an order granting probation is made
22 suspending the imposition of sentence, irrespective of a subsequent order under the provisions of
23 Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and
24 to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
25 complaint, information, or indictment."

26 ¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008,
27 provides that, unless expressly provided, the term "board" as used in the State Medical Practice Act (Bus. & Prof.
28 Code, §§ 2000, et seq.) means the "Medical Board of California," and references to the "Division of Medical
Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 8. Section 2238 of the Code states:

2 "A violation of any federal statute or federal regulation or any of the statutes or regulations
3 of this state regulating dangerous drugs or controlled substances constitutes unprofessional
4 conduct."

5 9. California Code of Regulations, title 16, section 1360, states:

6 "For the purposes of denial, suspension or revocation of a license, certificate or permit
7 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
8 considered to be substantially related to the qualifications, functions or duties of a person holding
9 a license, certificate or permit under the Medical Practice Act if to a substantial degree it
10 evidences present or potential unfitness of a person holding a license, certificate or permit to
11 perform the functions authorized by the license, certificate or permit in a manner consistent with
12 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the
13 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
14 violation of, or conspiring to violate any provision of the Medical Practice Act."

15 **HEALTH AND SAFETY CODE SECTIONS**

16 10. Section 11352 of the Health and Safety Code states:

17 "(a) Except as otherwise provided in this division, every person who transports, imports
18 into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this
19 state, sell, furnish, administer, or give away, or attempts to import into this state or transport (1)
20 any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision
21 (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section
22 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of
23 Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a
24 narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or
25 veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to
26 subdivision (h) of Section 1170 of the Penal Code for three, four, or five years.

27 "(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports
28 any controlled substances specified in subdivision (a) within this state from one county to another

1 noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section
2 1170 of the Penal Code for three, six, or nine years.

3 "(c) For purposes of this section, "transports" means to transport for sale.

4 "..."

5 11. Section 11153, subdivision (a), of the Health and Safety Code states:

6 "A prescription for a controlled substance shall only be issued for a legitimate medical
7 purpose by an individual practitioner acting in the usual course of his or her professional practice.
8 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
9 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
10 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)
11 an order purporting to be a prescription which is issued not in the usual course of professional
12 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user
13 of controlled substances, which is issued not in the course of professional treatment or as part of
14 an authorized narcotic treatment program, for the purpose of providing the user with controlled
15 substances, sufficient to keep him or her comfortable by maintaining customary use."

16 FACTUAL SUMMARY

17 12. On January 21, 2015, in proceedings entitled *People v. Terry Edward Stanger*, case
18 number 2014000639, in the Ventura County Superior Court, Respondent, upon his guilty plea,
19 was convicted of the following felony offenses: (1) unlawful transportation of hydrocodone
20 between non-contiguous counties in violation of section 11352, subdivision (b), of the Health and
21 Safety Code and (2) unlawful prescription of hydrocodone, a controlled substance, in violation of
22 section 11153, subdivision (a), of the Health and Safety Code.² Respondent was sentenced to
23 Ventura County jail for one year and formal probation for five years, including the following
24 terms and conditions:

25 A. Pay various court related fines and fees;

26 ///

27 ² Hydrocodone is a Scheduled II controlled substance as designated by Health and Safety
28 Code section 11055(b) (I).

- 1 B. Register as a narcotics offender pursuant to Health and Safety Code section
2 11590;
- 3 C. Comply with all directives and recommendations from the California Medical
4 Board;
- 5 D. Not prescribe any controlled substance while on probation;
- 6 E. Not recommend the prescription of any controlled substance while on
7 probation;
- 8 F. Not apply for a D.E.A. certificate while on probation; and
- 9 G. Not practice medicine without the appointment of a practice monitor approved
10 by the Medical Board of California.

11 13. The Felony Information alleged that Respondent unlawfully transported hydrocodone
12 for sale from Ventura County to San Diego County and unlawfully issued a prescription for
13 hydrocodone. The Felony Information sets forth the specific counts that Respondent pled guilty
14 to as follows:

15 A. "Count 3: On or about February 29, 2012 through March 5, 2012, in [Ventura
16 County], the crime of TRANSPORT FOR SALE/NON-CONTIGUOUS COUNTY, in violation
17 of Health and Safety Code 11352(b), a Felony, was committed by TERRY EDWARD
18 STANGER, who did unlawfully transport hydrocodone for sale from Ventura County to San
19 Diego County, a non-contiguous county."

20 B. "Count 9: On or about January 27, 2012 through October 31, 2012, in [Ventura
21 County], the crime of UNLAWFUL CONTROLLED SUBSTANCE PRESCRIPTION, in
22 violation of Health and Safety Code 11153(a), a Felony, was committed by TERRY EDWARD
23 STANGLER, who did unlawfully issue a prescription for a controlled substance, to wit:
24 hydrocodone."

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Conviction of a Crime)**

27 14. By reason of the facts set forth above in paragraphs 12 through 13, Respondent is
28 subject to disciplinary action under section 2236, subdivision (a), of the Code and California

1 Code of Regulations, Title 16, section 1360 in that he was convicted of transporting hydrocodone,
2 a controlled substance, between non-contiguous counties in violation of section 11532, subsection
3 (b), of the Health and Safety Code, a crime substantially related to the qualifications, functions, or
4 duties of a physician and surgeon.

5 15. Respondent's acts and/or omissions, as set forth in paragraphs 12 through 13 above,
6 whether proven individually, jointly, or in any combination thereof, constitute a conviction of a
7 crime substantially related to the qualifications, functions, or duties of a physician and surgeon in
8 violation of section 2236, subdivision (a), of the Code and California Code of Regulations, Title
9 16, section 1360. Therefore, cause for discipline exists.

10 SECOND CAUSE FOR DISCIPLINE

11 (Conviction of a Crime)

12 16. By reason of the facts set forth above in paragraphs 12 through 13, Respondent is
13 subject to disciplinary action under section 2236, subdivision (a), of the Code and California
14 Code of Regulations, Title 16, section 1360 in that he was convicted of unlawfully issuing a
15 prescription for hydrocodone, a controlled substance, in violation of section 11153, subdivision
16 (a), of the Health and Safety Code, a crime substantially related to the qualifications, functions, or
17 duties of a physician and surgeon.

18 17. Respondent's acts and/or omissions as set forth in paragraphs 12 through 13 above,
19 whether proven individually, jointly, or in any combination thereof, constitute a conviction of a
20 crime substantially related to the qualifications, functions, or duties of a physician and surgeon in
21 violation of section 2236, subdivision (a), of the Code and California Code of Regulations, Title
22 16, section 1360. Therefore, cause for discipline exists.

23 THIRD CAUSE FOR DISCIPLINE

24 (Drug Related Conviction)

25 18. By reason of the facts set forth above in paragraphs 12 through 13, Respondent is
26 subject to disciplinary action under section 2237, subdivision (a), of the Code and California
27 Code of Regulations, Title 16, section 1360, in that he was convicted of unlawfully transporting
28 hydrocodone, a controlled substance, between non-contiguous counties in violation of section

1 11352, subdivision (b), of the Health and Safety Code, a state statute regulating controlled
2 substances.

3 19. Respondent's acts and/or omissions as set forth in paragraphs 12 through 13 above,
4 whether proven individually, jointly, or in any combination thereof, constitute a conviction of
5 state statute regulating controlled substances pursuant to section 2237, subdivision (a), of the
6 Code and California Code of Regulations, Title 16, section 1360. Therefore, cause for discipline
7 exists.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Drug Related Conviction)**

10 20. By reason of the facts set forth above in paragraphs 12 through 13, Respondent is
11 subject to disciplinary action under section 2237, subdivision (a), of the Code and California
12 Code of Regulations, Title 16, section 1360 in that he was convicted of unlawfully issuing a
13 prescription for hydrocodone, a controlled substance, in violation of section 11153, subdivision
14 (a) of the Health and Safety Code, a state statute regulating controlled substances.

15 21. Respondent's acts and/or omissions as set forth in paragraphs 12 through 13 above,
16 whether proven individually, jointly, or in any combination thereof, constitute a conviction of
17 state statute regulating controlled substances pursuant to section 2237, subdivision (a), of the
18 Code. Therefore, cause for discipline exists.

19 **FIFTH CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct)**

21 22. By reason of the facts set forth above in paragraphs 12 through 13, Respondent is
22 subject to disciplinary action under section 2234, subdivisions (a) and (e) and section 2238 of the
23 Code and California Code of Regulations, Title 16, section 1360, in that he engaged in
24 unprofessional conduct by committing dishonest acts substantially related to the qualifications,
25 functions, or duties of a physician and surgeon by pleading guilty to and being convicted of
26 unlawfully (1) transporting a controlled substance between non-contiguous counties in violation
27 of section 11352, subdivision (b) of the Health and Safety Code and (2) issuing a prescription for
28 hydrocodone in violation of section 11153, subdivision (a) of the Health and Safety Code.

23. Respondent's acts and/or omissions as set forth in paragraphs 12 through 13 above, whether proven individually, jointly, or in any combination thereof, constitute unprofessional conduct in violation of section 2234, subdivisions (a) and (e) and section 2238 of the Code. Therefore, cause for discipline exists.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate number A34136, issued to Terry Edward Stanger, M.D.;
2. Prohibiting him from supervising physician assistants;
3. If placed on probation, ordering him to pay the Medical Board of California the cost of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: April 28, 2015.

Elizabeth Amara
for KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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